

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Gaston College)	File No. EB-05-IH-0219
)	NAL Account No. 200732080021
Licensee of Noncommercial Educational)	FRN No. 0009387226
Station WSGE(FM), Dallas, North Carolina)	Facility I.D. No. 23324
)	

FORFEITURE ORDER

Adopted: January 29, 2010

Released: January 29, 2010

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order* (“*FO*”), we assess a monetary forfeiture in the amount of \$8,000 against Gaston College, licensee of Noncommercial Educational Station WSGE(FM), Dallas, North Carolina (the “*Station*”), for willfully and repeatedly violating Section 73.3527 of the Commission’s rules relating to a noncommercial licensee’s obligation to properly maintain and make available a public inspection file.¹

II. BACKGROUND

2. As discussed in detail in the Notice of Apparent Liability for Forfeiture (“*NAL*”) issued in this case,² the Commission received a complaint alleging that on March 7, 2005, the licensee, Gaston College, failed to make available for public inspection the Station’s public inspection file on two separate visits to the Station’s main studio.³ According to the Complainant, during his first visit on March 3, 2005, he asked to review the public inspection file, but was told by a Station employee to come back another day.⁴ After the requestor informed the Station employee that FCC rules require that the file must be made available on request during regular business hours, the employee directed him to a drawer containing some Station documents, but the drawer did not contain the Station’s public inspection file.⁵ Meanwhile, the Station employee contacted the Station’s General Manager who, upon arrival, also directed the Complainant to the same drawer.⁶ Shortly thereafter, the College’s Vice President for Finance and Operations arrived and told the Complainant that he could not look through the files without first making an appointment with Gaston

¹ See 47 C.F.R. § 73.3527.

² See *Gaston College*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 4556 (Enf. Bur., Investigations & Hearings Div. 2007).

³ See Letter from J. Davidson Morrison to Enforcement Bureau, Federal Communications Commission (the “FCC” or “Commission”), dated March 4, 2005 (the “Complaint”) (transmitted by letter from Robert J. Rini, Esq., Rini Coran P.C. to FCC, Enforcement Bureau dated March 7, 2005).

⁴ See *id.* at 1.

⁵ See *id.*

⁶ See *id.*

College's attorney.⁷ While still at the Station, he was asked to take a call from Gaston College's attorney, who directed him to leave the Station and the college's campus or he would be arrested.⁸ The Complainant states that he left without viewing the public inspection file.⁹

3. The Complainant further alleges that he returned the next day and was told by the Station's General Manager that he first needed an appointment with Gaston College's attorney to view the public inspection file. Only after informing the General Manager that such a policy was illegal was he permitted to review a public inspection file binder and a hanging folder.¹⁰ Upon review of the binder and hanging folder, he states that the Complainant noticed that the FCC publication, "The Public and Broadcasting," a copy of which is required under the rules to be maintained, was omitted from the public inspection file.¹¹ When he inquired about the absence of the publication, he was provided with a copy.¹² He states that he also discovered that the required issues/programs list and equal employment opportunity ("EEO") report were also missing from the public inspection file, but were later provided after he inquired about them.¹³ He asserts that the issues/programs list was incomplete.¹⁴

4. The Enforcement Bureau (the "Bureau") issued a letter of inquiry (the "LOI") to the licensee, which directed Gaston College to respond to, *inter alia*, the allegations in the Complaint.¹⁵ Gaston College, through its counsel, responded to the allegations.¹⁶ Although the licensee generally did not dispute the allegations in the Complaint, Gaston College characterized the Complainant's behavior during the first visit as "hostile," and asked the Bureau to view the Complaint in the context of its past dealings with the Complainant's employer, Columbia Bible College.¹⁷ In this regard, Gaston College contended that Columbia Bible College has been engaged in a "pattern of harassment and intimidation" by pursuing FCC proceedings against Gaston College, and that Columbia Bible College's actions, through the Complainant, are motivated by its prior unsuccessful efforts to acquire the Station.¹⁸ Gaston College alleged that Columbia Bible College is attempting to misuse the Commission's processes to force the licensee to sell the Station.¹⁹

⁷ See *id.*

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.* at 2.

¹¹ See *id.*

¹² See *id.*

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See Letter from William D. Freedman, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Gaston College, dated January 20, 2006.

¹⁶ See Letter from Stephen Hartzell, Esq., counsel for Gaston College, to Tom Hutton, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated March 6, 2006, (the "Response Cover Letter") transmitting Gaston College Response and attached exhibits (the "LOI Response"). J. Davidson Morrison responded to the College's LOI Response by letter from J. Davidson Morrison, to Tom Hutton, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated March 22, 2006 (transmitted by letter from Robert J. Rini, Esq., Rini Coran P.C. to Tom Hutton, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated March 23, 2006) ("Complainant's Reply").

¹⁷ See Response Cover Letter at 2.

¹⁸ See *id.* at 2-3.

¹⁹ See *id.*

5. After release of the *NAL*, Gaston College responded on April 6, 2007.²⁰ In its response, Gaston College asserts that the proposed forfeiture is excessive and that Gaston College should be admonished or the forfeiture amount should be reduced. In support of this assertion, Gaston College asserts that the proposed forfeiture is not in keeping with Commission precedent and that, in several instances, licensees were only admonished for public file violations. Gaston College also asserts that the forfeiture should be reduced in light of its record of compliance with the Commission's rules.

III. DISCUSSION

6. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Communications Act,²¹ Section 1.80 of the Commission's Rules,²² and the Commission's forfeiture guidelines set forth in its *Forfeiture Policy Statement*.²³ In assessing forfeitures, Section 503(b) of the Act requires that we take into account the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require.²⁴ As discussed further below, we have examined Gaston College's response to the *NAL* pursuant to the aforementioned statutory factors, our rules, and the *Forfeiture Policy Statement*, and find no basis for cancellation of the forfeiture. We find, however, that a reduction of the forfeiture amount from \$10,000 to \$8,000 based on Gaston College's prior history of compliance with the Commission's rules²⁵ is appropriate.

7. Section 73.3527 of the Commission's rules requires noncommercial educational stations to maintain a public inspection file containing specific types of information related to station operations.²⁶ Specifically, subsection (b) of the rule provides that "the public inspection file shall be maintained at the main studio of the station," and subsection (c) requires that "[t]he file shall be available for public inspection at any time during regular business hours."²⁷ Some examples of specific materials that must be included in the file are the station's quarterly issues/programs lists, equal employment opportunity file, and a copy of the most recent version of the manual entitled "The Public and Broadcasting."²⁸ All broadcast stations have an obligation to serve their local community's needs and interests and to comply with certain programming and other rules.²⁹ Because we do not monitor a station's programming, viewers and listeners are a vital source of information about the programming and possible rule violations. The documents in each station's public inspection file have information about the station that can assist the public in this important role. The Commission has held that "a simple request to see the file should be sufficient to elicit

²⁰ See Letter from Stephen Hartzell, Esq. counsel for Gaston College, to Hillary S. DeNigro, Chief, Investigations and Hearings Division, dated April 6, 2007 (the "NAL Response").

²¹ See 47 U.S.C. § 503(b).

²² See 47 C.F.R. § 1.80.

²³ See *Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *reconsideration denied*, 15 FCC Rcd 303 (1999) ("*Forfeiture Policy Statement*").

²⁴ See 47 U.S.C. § 503(b)(2)(E).

²⁵ See NAL Response at 10 (asserting that Gaston College has an unblemished history of compliance with the FCC's rules).

²⁶ See 47 C.F.R. § 73.3527. We note that comparable requirements also apply to commercial stations. See 47 C.F.R. § 73.3526.

²⁷ 47 C.F.R. § 73.3527(b) & (c).

²⁸ See 47 C.F.R. § 73.3527(e).

²⁹ *The Public and Broadcasting*, 1999 WL 391297 (1999) at 12.

the complete file” without the further necessity of asking for documents piecemeal.³⁰ The Commission included a relatively high base forfeiture amount of \$10,000 for public file violations in Section 1.80, recognizing the seriousness of a licensee’s failure to comply with this rule.³¹

8. In its NAL Response, Gaston College does not contest that it violated Section 73.3527 when it failed to provide access to its public inspection file to a member of the public upon request and in a manner consistent with the rule. Instead, Gaston College requests that the Bureau impose an admonishment rather than a forfeiture or, in the alternative, reduce the forfeiture.³² In support of this request, Gaston College argues that Commission precedent dictates that only an admonishment should be issued. Specifically, the licensee argues that *Tabback Broadcasting Co.*,³³ *Isothermal Community College*,³⁴ and *College of Staten Island*³⁵ -- each involving an admonishment against a noncommercial radio station for a public file violation -- are analogous to the instant situation and are controlling precedent, and that the cases cited by the Investigations and Hearings Division in the *NAL* are distinguishable. We reject this argument. We find that the facts presented in *Isothermal Community College* are distinguishable from the facts in the instant case. We also find that we are not bound by, and decline to follow, the Media Bureau’s decisions in *Tabback Broadcasting Co.* and *College of Staten Island*. Indeed, as discussed below, the Media Bureau has recently departed from earlier precedent and has imposed significant forfeitures for public file violations by noncommercial stations.

9. The *Isothermal Community College* admonishment is not instructive because the violation at issue in that case was substantially less egregious than the instant case. In *Isothermal Community College*, the Bureau admonished a station for violating the rule because its file was admittedly not up to date. The decision admonished the licensee for briefly delaying, by less than a half hour, a requestor’s access to the public inspection file while the staff called security due to safety concerns.³⁶ By contrast, on the requestor’s first visit, Gaston College withheld the public file altogether and threatened the requestor with arrest. The decision to take that action also involved several high-ranking Gaston College officials, not just staff and security.³⁷ We find that it is not reasonable to equate a half-hour delay for security reasons, as occurred in *Isothermal Community College*, and the initial wholesale failure to produce the file and the arrest threat made in the instant case.³⁸ The antagonism Gaston College describes³⁹ between it and Columbia Bible College does not excuse Gaston College’s conduct.⁴⁰

³⁰ *In the Matter of Liability of KLDT-TV 55, Inc.*, Memorandum Opinion & Order, 10 FCC Rcd 3198, 3198-99 (1995). See *M & R Enterprise, Inc.*, Notice of Apparent Liability for Forfeiture, 17 FCC Rcd 5897 (Enf. Bur. 2002) (citing *KLDT-TV*, 10 FCC Rcd at 3198-99), *Forfeiture Order*, 17 FCC Rcd 14608 (Enf. Bur. 2002).

³¹ See *Forfeiture Policy Statement*, 12 FCC Rcd at 17112.

³² See NAL Response at 3.

³³ See *In re Application of Tabback Broadcasting Co. for Renewal of License of Station KAZM(AM), Sedona, Arizona*, Letter Ruling, File No. 1800B3-JR (Mass Media Bur., Audio Services Div. 1999), *aff’d Tabback Broadcasting Co.*, Memorandum Opinion & Order, 15 FCC Rcd 11899, 11900 (2000) (affirming an admonishment against a licensee for a public file violation stating that “we find that the staff appropriately exercised its discretion in admonishing TBC.”).

³⁴ See *Isothermal Community College*, Memorandum Opinion & Order, 16 FCC Rcd 21360 (Enf. Bur. 2001).

³⁵ See *College of Staten Island*, Letter Ruling, 22 FCC Rcd 4890 (Media Bur., Audio Div. 2007).

³⁶ See *Isothermal Community College*, 16 FCC Rcd at 21362-63.

³⁷ Compare *id.* (delay in viewing the public file was caused by “station staff”). See *Catoctin Broadcasting Corp. of New York*, Decision, 2 FCC Rcd 2126, 2137-38 ¶75 (Rev. Bd. 1987) (citing direct participation of station owner in public file violations as an exacerbating factor), *aff’d*, 4 FCC Rcd 2553, *recon. denied*, 4 FCC Rcd 6312 (1989), *aff’d sub nom. Catoctin Broadcasting Corp. v. FCC*, 920 F.2d 1039 (Table) (D.C. Cir. 1990) (affirming Commission discretion to impose appropriate sanction).

³⁸ See *Isothermal Community College*, 16 FCC Rcd at 21364.

10. As Gaston College asserts, in the Media Bureau letter rulings *Tabback Broadcasting Co.*⁴¹ and *College of Staten Island*,⁴² licensees were admonished for failing to make their respective public files available to a member of the public when requested. To the extent the case facts are reported in the letter rulings, these cases appear similar to the facts present here. The Commission affirmed the admonishment in *Tabback* stating that the Media Bureau had discretion to admonish rather than issue a forfeiture in that case. At no point, however, did the Commission dictate that all future public file cases should result in admonishments. As a matter of administrative law, the Commission, and the Bureaus operating pursuant to delegated authority, have discretion over decisions “whether to issue a warning or assess a forfeiture based on the nature and circumstances of the specific violation.”⁴³ The courts have found that the Commission is best positioned to weigh the benefits of pursuing an adjudication against the costs to the agency and the likelihood of success.⁴⁴ The Commission’s affirmation of the Media Bureau’s decision in *Tabback Broadcasting Co.* was based on recognition of the Media Bureau’s discretion to issue an admonishment.⁴⁵ We similarly have discretion to select the appropriate sanction and are not bound to issue admonishments in the first instance for public file violations.

11. Indeed, more recent Media Bureau decisions have held that significant forfeitures are appropriate sanctions for public file violations by noncommercial broadcasters. For example, in *Boone Biblical Ministries, Inc.*, the Audio Division of the Media Bureau expressly “disavow[ed]” an earlier decision proposing a relatively small forfeiture against a noncommercial station for an incomplete public file.⁴⁶ The Media Bureau held that the base forfeiture amount, \$10,000, was an appropriate penalty against each station responsible for such violations, and cited other cases holding similarly.⁴⁷ The Media Bureau has followed that approach in subsequent cases.⁴⁸

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³⁹ See NAL Response at 5-6; LOI Response at 2-3.

⁴⁰ See *Isothermal Community College*, 16 FCC Rcd at 21364.

⁴¹ See *Tabback Broadcasting Co.*, *supra* note 33.

⁴² See *College of Staten Island*, *supra* note 35.

⁴³ *Forfeiture Policy and Amendment of Section 1.80 of the Commission’s Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17102 (1997) (rejecting proposal to always issue a warning to first-time violators, except in particular cases, because doing so “would greatly undermine the credibility and effectiveness of our overall compliance efforts.”). See C.F.R. § 1.80(b)(4), Note (“The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided 47 in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute.”).

⁴⁴ See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985) (“an agency’s decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency’s absolute discretion.”); *New York State Dept. of Law v. F.C.C.*, 984 F.2d 1209, 1213 (D.C. Cir. 1993) (upholding the FCC’s exercise of its enforcement discretion, citing *Heckler v. Chaney*, 470 U.S. at 831).

⁴⁵ See *Tabback Broadcasting, Co.*, 15 FCC Rcd at 11900.

⁴⁶ *Boone Biblical Ministries, Inc.*, Forfeiture Order, 24 FCC Rcd 14293, 14295 (Media Bur., Audio Div. 2009) (“disavow[ing]” the approach in *Faith Christian Music Broadcast Ministries, Inc.*, Forfeiture Order, 20 FCC Rcd 19051 (Media Bur. 2005) (“*Faith Christian*”), in which the Media Bureau imposed a \$3,000 forfeiture for an incomplete public file).

⁴⁷ *Id.*, 24 FCC Rcd at 14295 n.11 (citing *Colby-Sawyer College*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 21682 (Media Bur. 2007) (\$10,000 forfeiture for incomplete public file); *Capstar TX Limited Partnership*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 12715, 12715 (Media Bur. 2007) (same)).

⁴⁸ See *San Jose State University*, Forfeiture Order, 24 FCC Rcd 14331, 14332 (Media Bur., Audio Div. 2009) (upholding a \$9,000 forfeiture for an incomplete public file by a noncommercial station, and disavowing the *Faith*

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12. We agree with the Media Bureau that public file violations merit strong enforcement. This case, which involves not only an incomplete public file, but the outright refusal to produce the public file, should receive an appropriately measured forfeiture. Accordingly, we decline to follow the earlier approach taken in the Media Bureau's decisions in *Tabback Broadcasting Co.* and *College of Staten Island* and follow more recent and compelling precedent from both the Media and Enforcement Bureaus. As explained above, the Media Bureau has taken strong enforcement action against noncommercial stations with incomplete public files. With respect to Gaston College's refusal to produce the public file, we find that the situation here is similar to *Riverside Broadcasting, Inc.*,⁴⁹ one of the cases cited by the Investigations and Hearings Division in the *NAL*. In *Riverside Broadcasting, Inc.*, the requestor called the station after being denied access to the public file and was hung up on three times. He was then told that the station would file harassment charges if he called again.⁵⁰ The Bureau issued a \$10,000 forfeiture as a result.

13. Our decision to impose a forfeiture for this type of conduct is well supported by Commission precedent,⁵¹ and we disagree with Gaston College's assertion that the cases cited in the *NAL* do not apply.⁵² The cases cited in the *NAL* consistently hold that a failure to provide the file to a member of the public on request constitutes a violation of the rule, and each imposed a forfeiture for such violation.⁵³ Gaston College distinguishes the cases primarily on the basis that they involve commercial as opposed to noncommercial stations, apparently believing that noncommercial stations do not have the same obligation as commercial stations to provide access to the station's public inspection file.⁵⁴ The Commission has stated that the requirements on noncommercial stations are similar to the requirements placed on commercial stations except for the content of the files.⁵⁵ Indeed, as noted earlier, the Media Bureau has imposed even larger forfeitures than that at issue here against noncommercial stations for public file

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Christian decision). See also *Linfield College*, Memorandum Opinion & Order and Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 12429 (Media Bur., Audio Div. 2009) (proposing a \$10,000 forfeiture for an incomplete public file at a noncommercial station).

⁴⁹ See *Riverside Broadcasting, Inc.*, Notice of Apparent Liability for Forfeiture, 15 FCC Rcd 18322, 18323 (Enf. Bur., Investigations & Hearings Div. 2000) (finding public file rule violations particularly serious "in light of the hostile reaction [the complainant] encountered from station personnel.").

⁵⁰ See *id.*

⁵¹ See *Paulino Bernal Evangelism KBRN(AM), Boerne, Texas*, Order on Review, FCC 08-252, 2008 WL 4722115 (rel. Oct. 28, 2008) (affirming Enforcement Bureau forfeiture issued to a noncommercial station for, *inter alia*, failing to produce public file when the station was inspected).

⁵² See *NAL* Response at 3-5.

⁵³ See *Blountstown Communications, Inc.*, Memorandum Opinion & Order, 22 FCC Rcd 1097 (Enf. Bur. 2007) (denying reconsideration of \$10,000 forfeiture for failure to make public file available to requesting FCC agent); *M&R Enterprises, Inc.*, Forfeiture Order, 17 FCC Rcd 14608 (Enf. Bur. 2002) (finding a \$10,000 forfeiture for failure to provide access to public inspection file on two occasions.); *Riverside Broadcasting, Inc.*, Notice of Apparent Liability for Forfeiture, 15 FCC Rcd 18322 (Enf. Bur., Investigations and Hearings Div. 2000) (finding licensee apparently liable for \$10,000 forfeiture for denying access to station's public inspection file on two different dates) (*NAL* paid).

⁵⁴ See *id.*

⁵⁵ See *Review of the Commission's Rules regarding the Main Studio Rule and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15700 ¶ 55 (1998) ("*Main Studio Rule and Public Inspection Files*"), *recons. granted in part*, Memorandum Opinion & Order, 14 FCC Rcd 11113 (1999). Compare 47 C.F.R. § 73.3526 and 47 C.F.R. § 73.3527 (public file rules applicable to commercial and noncommercial educational stations, respectively).

violations.⁵⁶ In *Lebanon Educational Broadcasting Foundation, KKTK(FM)*, the Enforcement Bureau explained:

Section 73.3527(c)(1) of the Rules requires noncommercial licensees to make available for inspection all required items in the station's public inspection file during regular business hours. Where the Rule is violated, Section 1.80 provides that a monetary forfeiture may be imposed, and there is no exemption or reduction based on the noncommercial status of a station.⁵⁷

We therefore reject Gaston College's assertions that the cases cited in the *NAL* are not applicable here.

14. In the instant case, we affirm the *NAL*'s decision that a forfeiture rather than an admonishment is appropriate, considering all of the relevant circumstances and the factors enumerated in Section 503(b)(2)(E) of the Act,⁵⁸ including the fact that the violation involved high-ranking officials of Gaston College threatening to have the requestor arrested, the fact that the file was withheld wholesale on the requestor's first visit, the fact that two visits were required to obtain access to the file, and the need for the requestor to ask for missing documents. Based upon the evidence before us, we find that the Station willfully and repeatedly violated Section 73.3527 of the Commission's rules.⁵⁹

15. As we noted in the *NAL*, compliance with the public file rule is vitally important because the rule "safeguards the public's ability to assess the station's service and to meaningfully participate at the station's renewal process."⁶⁰ Section 1.80 of the Commission's rules sets a base forfeiture amount of \$10,000 for public file violations.⁶¹ We find that the base forfeiture amount is an appropriate starting point in this case.⁶² As noted above, Gaston College asserts that a reduction is appropriate because its history of compliance with FCC rules is unblemished.⁶³ Based on Gaston College's history of compliance and the circumstances of this case, we find that a reduction of the forfeiture amount on that basis to \$8,000 is appropriate.⁶⁴

IV. ORDERING CLAUSES

16. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁶⁵ Section 1.80 of the Commission's rules, and authority delegated by Sections 0.111 and 0.311 of the Commission's rules,⁶⁶

⁵⁶ See *supra* note 46 and 48.

⁵⁷ *Lebanon Educational Broadcasting Foundation, KKTK(FM)*, Memorandum Opinion & Order, 21 FCC Rcd 1442, 1446 (Enf. Bur. 2002) (citing *Main Studio Rule and Local Public Inspection Files*, 13 FCC Rcd at 15700 (all licensees have a duty to comply with public inspection file rules)).

⁵⁸ See 47 U.S.C. § 503(b)(2)(E).

⁵⁹ See 47 C.F.R. § 73.3527.

⁶⁰ *New Life Broadcasting, Inc.*, Forfeiture Order, 21 FCC Rcd 8641, 8643-44 ¶10 (Enf. Bur., South Central Region 2006).

⁶¹ See 47 C.F.R. § 1.80.

⁶² See *supra* notes 49 and 53.

⁶³ See *NAL* Response at 10.

⁶⁴ See, e.g., *SM Radio, Inc.*, Order on Review, 23 FCC Rcd 2429, 2430-2431 (2008) (affirming forfeiture reduction from \$7,000 to \$5,600 due to licensee's history of compliance); *Radio X Broadcasting Corporation*, Memorandum Opinion & Order, 21 FCC Rcd 12209 (2006) (affirming forfeiture reduction from \$20,000 to \$16,000 due to licensee's history of compliance.).

⁶⁵ See 47 U.S.C. § 503(b).

Gaston College **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$8,000 (Eight Thousand Dollars) for its willful and repeated violation of Section 73.3527 of the Commission's rules.⁶⁷

17. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the rules within 30 days of the release of this *Forfeiture Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶⁸ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Gaston College will also send electronic notification on the date said payment is made to Hillary.DeNigro@fcc.gov, Ben.Bartolome@fcc.gov, Anjali.Singh@fcc.gov and William.Knowles-Kellett@fcc.gov.

18. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by Certified Mail - Return Receipt Requested, and regular mail, to the Licensee at its address of record and to its counsel, Wade H. Hargrove, Esq., Marcus W. Trathen, Esq. and Stephen Hartzell, Esq. Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., Wachovia Capitol Center Suite 1600, 150 Fayetteville Street, P.O. Box 1800, Raleigh, N.C. 27602.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief
Enforcement Bureau

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⁶⁶ See 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁶⁷ See 47 C.F.R. § 73.3527.

⁶⁸ See 47 U.S.C. § 504(a).